UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/SR.41
6 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 41st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.90-11094/1598B

best copy available

The meeting was called to order at 10.40 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1990/5, 21, 22 and Corr.1 and Add.1, 24, 25-27, 28 and Add.1, 51, 52, 55, 57, 60-63, 69, 70, 73, 74, 76, 78 and 80; E/CN.4/1990/NGO/1, 3, 9, 10, 15, 19, 23-27, 31, 32, 34, 35, 40, 47, 53-55, 58-60, 62, 63 and 65; A/44/526, 573, 620, 622, 635, 669 and 671)

1. Mr. NABI AMANI (Observer for Afghanistan) commended the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1990/25) and drew attention to paragraphs 45, 46, 68, 70 and 73, which brought the real situation in his country into focus. Nearly two years after the signing of the Agreements on the Settlement of the Situation Relating to Afghanistan (Geneva Agreements), and one year after the complete withdrawal of foreign forces from Afghanistan, the war was intensifying, contrary to the will of the Afghan people and the expectations of the international community. Foreign intervention and the infiltration of mercenaries into the country were aggravating the situation.

2. Weapons of mass destruction were being used by the armed opposition movements. During the 10 previous months, 1,000 civilians had been killed, including women and children, and more than 2,000 persons had been wounded or disabled.

3. His Government's military policy was basically defensive, as acknowledged by the Special Rapporteur in paragraph 9 of his conclusions.

4. His Government had submitted workable and realistic plans to end the fratricidal conflict. It had invited the armed opposition movements to form an Afghan National Council based at Kabul, with the participation of the leaders of all political parties and forces inside and outside the country. The Council would seek a real and just solution which could end the war and establish peace throughout the country. In order to create the conditions for the formation of such a Council, his Government had proposed that a cease-fire should be proclaimed and respected by all sides, with a view to establishing an armistice throughout the territory. It had also announced that it was willing to stop launching SCUD II rockets at the bases of the opposition movements if the latter also stopped their rocket attacks on Kabul and other cities.

5. For the political, economic and social future of Afghanistan to be determined by the Afghans themselves, his Government had proposed that a free, fair and democratic election with the participation of all political parties and forces should be organized under the auspices of the United Nations and other international organizations and the movement of non-aligned countries. President Najibullah had stated that he was prepared to accept the outcome of free elections, whatever it might be. It was unclear why the opposition movements had rejected that proposal.

6. He also drew attention to the proposals made by President Najibullah at the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade.

7. The armed opposition movements and their foreign protectors were the main instigators of the violations of human rights and the rules of international law. As the Special Rapporteur had stated in paragraph 10 of his conclusions, the Government forces endeavoured to hit mainly military goals, whereas the opposition forces seemed to fire indiscriminately, as well as committing acts of terrorism as defined by the First Additional Protocol to the Geneva Conventions.

8. The Geneva Agreements, which had provided a good and legitimate basis for solving the problem of Afghanistan, were being grossly and continually violated, particularly the provisions on non-interference and non-intervention.

9. The non-repatriation of Afghan refugees was one of the main aspects of human rights violations. The mixed commissions provided for in article IV of the Geneva Agreements on the voluntary return of refugees should be set up as soon as possible.

10. Prior to the withdrawal of foreign forces from Afghanistan, certain countries and circles had predicted the imminent fall of the Government, but those prophecies had not come true. For the previous year, the armed forces of the Republic of Afghanistan had courageously defended its independence, territorial integrity and national sovereignty, which reconfirmed that it was a great error to insist on a military solution. If the question of Afghanistan was not resolved as soon as possible by peaceful means, the current situation could have irreparable consequences for the Western countries, owing to the production of narcotic drugs in some regions controlled by the opposition movements.

11. He proposed that an impartial expert delegation, representing all regional groups, should be mandated by the Commission to examine and monitor the human rights situation in the regions controlled by the Government and by the armed opposition movements. The violations of human rights in Afghanistan must be stopped, and foreign intervention must cease, so that the Afghans could enjoy the right to self-determination.

12. Mr. CESKA (Observer for Austria) said that the special rapporteurs, special representatives and working groups of the Commission deserved the clear and unequivocal support, both moral and material, of the Commission and the Centre for Human Rights, in order to enable them to accomplish their important tasks. The States concerned also had an obligation to ensure that the visits of the special rapporteurs and special representatives were fruitful, by allowing free access to persons wishing to contact them and providing safeguards against the subsequent harassment of those persons by the authorities.

13. In that context, the advisory opinion issued by the International Court of Justice regarding the applicability of the Convention on the Privileges and Immunities of the United Nations to special rapporteurs and special representatives was of particular relevance. His delegation particularly appreciated the work of the Special Rapporteur on summary and arbitrary executions and called upon all States to extend him their full co-operation.

14. With regard to the situation of human rights in Afghanistan, the Special Rapporteur had concluded in his report (E/CN.4/1990/25) that, despite the withdrawal of foreign troops from Afghanistan during the previous year, there continued to be a disproportionately high number of civilian casualties. His Government shared the Special Rapporteur's view that full respect for human rights in Afghanistan would result only from a political solution to the conflict. It must therefore be a matter of priority to work towards an equitable negotiated settlement which would also end the plight of the 5 million Afghan refugees abroad.

15. He welcomed the fact that the Special Representative on the situation of human rights in the Islamic Republic of Iran had been able to visit that country for the first time, and expected that co-operation between the Government of Iran and the Special Representative would increase. In addition, he appealed to the Governments of Iraq and Iran to proceed to the early release or repatriation of their respective prisoners of war, who were still being held as collective hostages 18 months after the cease-fire.

16. It was to be hoped that the invitation extended by an organization in Iraq to members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities would soon lead to a visit to that country.

17. His Government, which remained deeply concerned about the number and seriousness of human rights violations in El Salvador, renewed its appeal to the parties to the armed conflict to resume a dialogue and to conclude a cease-fire.

18. In Guatemala, where a situation of uncontrolled violence prevailed, the Government had taken steps to reduce human rights abuses and had co-operated with the Expert and the Special Rapporteur on questions relevant to torture. The Commission should continue to monitor the human rights situation in that country. The similar situation in Honduras also gave rise to deep concern.

19. In view of the continuing deterioration in the human rights situation and the recent increase in political repression in Haiti, he supported the Expert's recommendation (E/CN.4/1990/44, para. 107 (c)) that the Commission should consider the possibility of appointing a special rapporteur to study the situation there.

20. As to the question of human rights in Cuba, his delegation would welcome an appropriate follow-up to the comprehensive report discussed by the Commission at its previous session.

21. Having taken note of the report of the Special Rapporteur on the situation of human rights in Chile (E/CN.4/1990/5), he welcomed the gradual re-establishment of a representative and pluralist democracy in that country. His delegation was looking forward to additional measures by the Chilean Government to ensure a reliable system of legal protection and the total elimination of the practice of torture.

22. His Government welcomed the rapid progress towards full respect for human rights and fundamental freedoms in the neighbouring countries of Eastern Europe. It was to be hoped that some of those countries would soon be in a position to accede to the European Convention on Human Rights within the

framework of the Council of Europe. He also looked forward to the positive effects of the democratization process on the freedom of ethnic, linguistic and religious minorities to enjoy their own cultures, use their own languages and practise their own religions.

23. In contrast, his delegation was concerned at various reports of serious human rights violations in Albania which warranted the attention of the Commission.

24. With regard to the situation in China, it expected that there would be an appropriate follow-up to the note by the Secretary-General (E/CN.4/1990/52).

25. The human rights situation in Cyprus had not changed since the adoption by the Commission of its resolution 1987/50 calling for the restoration of all human rights to the population of Cyprus, especially the refugees. His delegation continued to endorse that appeal.

26. Human rights abuses were clearly not limited to country situations dealt with in reports to the Commission. His Government favoured a non-selective approach by the Commission in discussing and acting upon all human rights violations wherever they occurred, in the interests of all human beings.

27. Mr. PATEL (Pakistan) said that the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1990/25) focused on the problem of Afghan refugees, which was rightly viewed as the main human rights issue. The exercise of the right to self-determination required that a people should be able freely to choose what type of government it wished to have. In the case of Afghanistan, that presupposed the free and voluntary return of all refugees to their homeland, as provided for in the Geneva Agreements. The more than 5 million refugees, over 3 million of whom were in Pakistan, had so far been unable to exercise their right to self-determination, and the inhabitants of Afghanistan had been unable to express their will freely except by seeking asylum elsewhere. He shared the views expressed by the Special Rapporteur in paragraphs 13, 16 and 74 of the report.

28. It was obvious that the people of Afghanistan could not enjoy their human rights and fundamental freedoms under a régime imposed from abroad. The current Constitution lacked legitimacy, and the indiscriminate and ruthless acts of reprisals against innocent civilians by the Kabul régime represented a desperate attempt to perpetuate its grip on power. The Afghan refugees were not likely to return to their homeland until a broad-based Government had been established, leading to peace and normalcy in Afghanistan and creating conditions which would enable the Afghan people to exercise its right to self-determination.

29. While his delegation was grateful to the Special Rapporteur for his efforts, it wished to point out a number of inconsistencies, inaccuracies and unwarranted references in his report (E/CN.4/1990/25). In the first place, in paragraph 1 of his conclusions, he referred to the conflict between the "non-religious" régime in Kabul and the more "fundamentalist" faction. Those terms reflected a value judgement and did not belong in the report.

30. In paragraphs 4 and 5 of the conclusions, the Special Rapporteur had observed that refugees were forcibly prevented from returning and were thus placed in the desperate position of "collective hostages". Nothing could be

further from the truth. The Special Rapporteur himself stated in paragraph 27 that he had been unable to verify those allegations. Moreover, he recognized in paragraphs 22, 28 and 29 that the refugees were not returning due to a lack of security and economic opportunities and the presence of vast number of land-mines. He would have done better to visit the refugee camps and interview the refugees himself before arriving at such conclusions.

31. He would have found out that the main reason for the non-return of the Afghan refugees was the current Kabul régime, imposed and maintained in power by a foreign country. He had omitted to mention that fact in his latest report, even though he had referred to it in his previous ones.

32. In paragraph 7 of his conclusions, the Special Rapporteur had repeated, without verification, the assertions of the Kabul régime regarding mine clearance, although he knew that the only training programme to remove land-mines in Afghanistan was being conducted by the Office of the United Nations Co-ordinator in Pakistan. The Special Rapporteur should also pay a visit to the liberated areas of Afghanistan, where land-mines were being cleared with the administrative help of the Afghan Interim Government. The assertions by the Kabul régime that it was ready to provide minefield maps was totally misleading. It had not handed over such maps to United Nations bodies, despite the efforts of Mr. Cordovez in 1988 and subsequent efforts by officials of "Operation Salam".

33. In paragraph 15 of his conclusions, the Special Rapporteur stated that an orderly educational system existed only in Government-controlled areas. The presence of 779 schools in the refugee camps, with 137,394 children enrolled therein, had been disregarded altogether. As members of the Commission were aware, most of those schools were being run by the United Nations High Commissioner for Refugees (UNHCR) and private voluntary organizations.

34. The Special Rapporteur had overlooked the initiative taken by Pakistan to facilitate the return of refugees, which included co-operating fully with Operation Salam in Pakistan, signing repatriation agreements with UNHCR, granting permission to private voluntary organizations to undertake cross-border operations to help Afghan repatriation and the like.

35. Some sections of the report appeared to be the result of half-hearted investigations and the acceptance of many statements at face value. The concluding part, in particular, must be re-examined. The Special Rapporteur's comments on the situation in the areas under mujahidin control would remain superficial unless and until he visited them.

36. The suggestion in paragraph 6 of the recommendations that mixed commissions should be set up was premature and unnecessary. Circumstances were not conducive to any such initiatives. It was also questionable how far the establishment of mixed commissions would improve the human rights situation of the Afghans.

37. As for the situation in Cyprus, his Government considered that a solution could be achieved only through talks between the Greek and Turkish Cypriot communities on an equal footing. A just treatment of the two communities would facilitate a settlement. It supported the Secretary-General's efforts to resolve the issue.

38. His delegation wished to draw the attention of the Commission to human rights violations in Indian-occupied Jammu and Kashmir, whose people had risen up against Indian occupation. Their legitimate demand for self-determination, denied them for more than four decades, had been met by the extensive use of force and the violation of their fundamental rights. The many reports received of the repression of the Kashmiri people had become so embarrassing for the Government of India that foreign correspondents and objective Indian reporters had been prevented from visiting Kashmir, and strict press censorship had been imposed.

39. In a statement issued on 2 February 1990, Amnesty International had expressed concern that, since 21 January, more than 50 unarmed civilians had been killed by the security forces during demonstrations. It had called for an investigation into the killings, for all those arrested to be treated humanely and for all those detained solely for having peacefully expressed their opinions to be unconditionally released forthwith.

40. More than 25 towns in Jammu and Kashmir had been placed under long curfews. House searches were being conducted during which men, women and children were terrorized and harassed. There had been several instances of Muslims having been turned away from mosques by the security forces.

41. The Indian Government must recognize that it could not overcome the problem in Kashmir by force. The only solution lay in the exercise of the right to self-determination of the people of Jammu and Kashmir. His own Government remained committed to seeking a peaceful settlement on the basis of the relevant United Nations resolutions, which recognized the right of the people of Jammu and Kashmir to decide their own future in the spirit of the Simla Agreement.

42. Mr. VALLADARES (United States of America) said that in Eastern Europe, the historic transition towards freedom and democracy was gathering momentum. The Poles had held free and fair elections during the past year, and democratic free elections were scheduled to be held in East Germany, Czechoslovakia, Hungary, Bulgaria and Romania.

43. In the Soviet Union, where his delegation had noted a marked improvement in the human rights situation, particularly with respect to the freedom to emigrate, President Gorbachev had recently announced that the Communist Party must no longer be the dominant political force. It was to be hoped that the "new thinking" would take root during the coming elections in the various Soviet republics and that free elections would continue to be the vehicle to channel aspirations of freedom for all people who still lived under totalitarian régimes.

44. Unfortunately, change had not always been peaceful, and in Romania, the old dictatorship had attempted with savage brutality to prevent its overthrow. There also remained one last bastion of Stalinist oppression in the region, namely, Albania.

45. In South America, his delegation was pleased that the people of Chile had been able to take part in free national elections. In view of the dramatic improvement in that country's human rights record, his delegation had supported the decision to discontinue discussion of the human rights situation in Chile under a separate agenda item.

46. In South Africa, the welcome steps taken by President de Klerk and his call for negotiations to find a peaceful solution to that country's problems should be accepted only as the beginning of the total elimination of apartheid. His delegation encouraged the Government of South Africa to continue along the path to greater freedom and democracy.

47. His Government was particularly distressed at the situation in the Horn of Africa. In Ethiopia, Somalia and the Sudan, internal conflict had led to tragedy for hundreds of thousands of people. It called on all parties to halt the fighting so as to allow humanitarian organizations to help prevent the starvation of innocent civilians. In Somalia, in particular, the situation had worsened dramatically in the last half of 1989. Both the Somali Government and armed opposition groups were violating human rights.

48. His Government was disturbed at the deterioration of the human rights situation in China. The 1980s had been a period of wise policies in that country that had unleashed the productive energies of the Chinese people and offered a new era of friendship and co-operation between China and the rest of the world. But 1989 had been marked by the tragic event in Beijing. The decision to employ deadly force against unarmed and peaceful civilians could not be rescinded, but the Chinese Government could take steps to heal the wounds of that tragedy and return to the path of openness and reform. It must begin a dialogue with members of the Commission and all others concerned with the human rights situation in China. Because the United States Government cared about China and its future, it called upon the Chinese Government to put an end to repression, ensure full observance of human rights and renew a dialogue with its friends.

49. In Iran, human rights violations continued unabated. Despite the visit by the Commission's Special Representative, public executions persisted. His delegation was gravely concerned at the threats directed against the families of gaoled or executed mujahidin who had staged a sit-in in Tehran during the visit by the United Nations delegation. Iran not only did not respect the human rights of its own citizens, it also menaced others. The threat to the life of the author Salman Rushdie had recently been renewed by the Government of Iran. That should be a personal affront to every member of the Commission. His delegation also considered that all religions and creeds deserved the respect of others.

50. The human rights situation in Iraq continued to warrant the Commission's attention. Although his delegation welcomed the drafting of a new Constitution that would purportedly liberalize the political process and promote the protection of human rights, it was concerned at the persistence of torture and arbitrary executions, disappearances and detentions. Excessive force was still being used against the Kurdish population, including forced resettlement and the destruction of Kurdish villages. His delegation called upon the Government of Iraq to allow the visit of Sub-Commission experts under the customary conditions.

51. The people of Cambodia continued to suffer from the conflict that had ravaged their land for many years. From recent initiatives, however, his delegation drew hope that enduring peace could be achieved in Cambodia through a comprehensive political settlement. The international community must continue its efforts to foster a settlement that would bring freedom and

independence to Cambodia, ensure that the murderous Khmers Rouges never again returned to power and secure the full exercise of human rights for the Cambodian people.

52. Sri Lanka had been beset by brutal terrorist insurgency that had led to a tragic loss of life. Human rights abuses had been committed by all parties to the dispute, including government forces. His delegation noted the efforts made by the Government of Sri Lanka to return to normalcy through conciliation and consensus. Clearly, a democratically elected Government had the right to protect itself against those seeking to overthrow it by force. Nevertheless, those charged with enforcing the law had a special obligation to obey it.

53. His delegation also welcomed the recent decision by the Sri Lankan Government to lift certain emergency regulations. As a democracy, Sri Lanka must fully recognize the importance of maintaining the rule of law and must ensure that the law was applied equitably to all citizens.

54. The United States Government attached high priority to human rights throughout Indonesia, including East Timor, where it was following the situation closely. It welcomed the opening of access to that province and supported the discussions between the Governments of Indonesia and Portugal under the auspices of the United Nations Secretary-General as the best way to resolve the differences over East Timor.

55. Some observers of the situation in Myanmar had expressed the view that respect for human rights there had improved in 1989 because there had been no killings of unarmed demonstrators, as had occurred in 1988. That view was a flawed one, because there had been no demonstrators to shoot in 1989, martial law prohibiting public gatherings of more than five people. Moreover, there were credible reports that torture and summary executions of political detainees had been commonplace in that country in 1989. If the Government of Myanmar sincerely desired to demonstrate that the elections of 27 May would be free and fair, it should invite objective outside observers to monitor them and release the opposition leaders and activists so that they, too, could participate in the electoral process.

56. One of the most repressive régimes continued to be that of North Korea. Individual rights were completely subordinated to the prerogatives of the party and the State. Moreover, the Government of North Korea imprisoned persons who failed to conform to the dictates of the State and often exiled them along with their families to remote villages.

57. In Viet Nam, a country which together with the Libyan Arab Jamahiriya and Cuba had sponsored a resolution condemning the restoration of democracy in Panama in December 1989, self-determination did not exist. In fact, one of the few things common to those countries was their lack of democracy and their complete disregard for the human rights of their own citizens. His delegation called upon the Government of Viet Nam to restore the basic human rights of its political prisoners.

58. His delegation congratulated the Nicaraguan people on its patriotism throughout the electoral process and congratulated President-Elect Violeta Chamorro on her victory and President Daniel Ortega on carrying out

his commitment to conduct elections and accept the results. Free elections were the highest manifestation of democracy and the only way for a country to exercise its will.

59. El Salvador was a country fighting a protracted insurgency. In November 1989, guerrilla groups had launched a massive surprise assault on San Salvador, thus making it clear that they were not committed to the peace process. The failure of that offensive had left no doubt that the vast majority of the Salvadorian people rejected the guerrillas.

60. His Government was concerned about human rights abuses on all sides in El Salvador. It deplored the murder of the Jesuit priests, their housekeeper and her daughter. It also condemned the brutal murders of Attorney-General Alvarado García, former Supreme Court President Francisco José Guerrero, Minister of the Presidency José Rodríguez Porth and Fire Chief Robert Armando Rivera by the FMLN or its surrogates, as well as their use of land-mines, which had caused great suffering to innocent civilians. His delegation congratulated President Cristiani on his efforts to bring those guilty to justice and commended his veto of legislation that might have restricted the ability of Salvadorian citizens to talk to outside human rights observers, including the Special Rapporteur.

61. In Guatemala, his delegation had noted a deterioration in the human rights situation. It was to be hoped that the Government of Guatemala would endeavour to remedy the situation and bring to justice those who had violated the human rights of others.

62. When he had addressed the Commission on the subject of Cuba in 1989, the State Department had just issued its annual report noting limited human rights improvements there. The United States had acknowledged the positive changes in the human rights situation taking place in Cuba in the hope that they would be expanded. Unfortunately, the human rights abuses of the Government of Cuba had increased markedly over the past year, contrasting sharply with the positive developments elsewhere in the socialist world. Castro had executed General Arnaldo Ochoa and three other officers without a fair trial and denied internationally recognized human rights monitors permission to attend the trial of three human rights leaders. Reports of prisoner abuse were on the rise. In December 1989, Amnesty International had denounced the mistreatment of political prisoners.

63. The most visible evidence of increased repression was the crack-down on human rights advocates. Since the Commission's Working Group on Cuba had visited the island in September 1988, Cuban authorities had arrested or detained more than 60 Cuban human rights activists. According to Amnesty International, some had been detained at the very doors of the hotel where the Working Group had gathered. Some of those same activists had testified before the Working Group, and 25 persons from among those arrested since the Working Group's visit were still in prison or detained without charges. The crack-down continued, two human rights advocates having been arrested just two days before the forty-sixth session of the Commission had opened.

64. On 6 August 1989, Elizardo Sanchez, a human rights leader, had been arrested on charges of "disseminating false news", his real crime being talking to foreign journalists about the Ochoa trial. Mr. Sanchez had been

held in an isolation cell for 36 days and then sentenced to two years in prison. Roberto Bahamonde, another human rights advocate, had been arrested in April 1989 for planning to participate in a demonstration during the visit to Havana of President Gorbachev. His real crime had been to run against the Communist Party candidate in Havana's March 1989 municipal election. He had been tried without an attorney, convicted of "illegal association" and sentenced to three months in prison. While serving his three-month term, he had been sentenced to an additional year, ostensibly for working as a photographer without permission.

65. Internationally recognized human rights monitoring groups also recognized that the situation in Cuba had deteriorated. In a December 1989 report, Amnesty International had stated that, since the end of 1988, the Cuban authorities had adopted a less tolerant attitude towards public dissent.

66. The Castro Government continued to be one of the worst violators of human rights in the world. Cubans did not possess equal protection under the law, the right freely to choose government representatives, freedom of expression, freedom of peaceful assembly and association or freedom to travel abroad without restrictions. They were subjected to constant surveillance and had no free press, no independent judiciary and no autonomous institutions.

67. The CHAIRMAN invited the Special Representative on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on the human rights situation in Romania to introduce their reports to the Commission.

68. Mr. GALINDO POHL (Special Representative on the situation of human rights in the Islamic Republic of Iran), introducing his final report (E/CN.4/1990/24), said that it contained a new element relating to the visit he had been able to make, for the first time, to the Islamic Republic of Iran; he suggested that the report should be studied in conjunction with his interim report (A/44/620). Both reports contained communications between the Government and the Special Representative, a compilation of oral and written allegations from various sources, consideration on official opinions about the compatibility of Islamic law with international law, his own remarks and observations and a section on conclusions and recommendations.

69. The chapter in the latest report on his visit was an effort to summarize the talks and interviews he had held in Iran and the relevant facts and to give an impression of the climate prevailing at the time. The repeated criticism of international action relating to human rights by high-ranking officials, including criticisms of his report, had been scrupulously reflected.

70. Since the visit had taken place only a few days before the Commission's current session had begun, the report had been prepared at short notice. It had not been possible to include some information received since the visit, which did not change the general picture. In addition, it had, of course, been impossible to examine in the field the thousands of individual cases reported. All cases had, however, been documented with the Centre for Human Rights, and work on them would continue. He hoped that the Government would respond positively to all complaints and, if they were justified, would take action against those responsible and compensate the victims.

71. Effective communications had been established with the Iranian Government so that all matters, however controversial, could be fully examined and discussed. There had been a positive official reaction concerning possible new ways of ensuring effective functioning of the human rights system, including the possibility of the Special Representative transmitting requests based on purely humanitarian considerations, and the possibility of regular visits by the International Committee of the Red Cross (ICRC) during and after trial proceedings. There had been a favourable response to the idea of carrying out an academic study, involving Iranian and foreign experts, with a view to submitting, for the Government's consideration, draft measures to align domestic legislation, based on Islamic law, with the provisions of the relevant international instruments. The Government had also reacted positively to the offer of technical assistance by the Centre for Human Rights.

72. His impression, noted in paragraph 251 of the report, was that the situation of the Baha'is had improved; but much remained to be done before that group's problems had been overcome. Another cause for continued international concern was the number and regularity of executions for drug trafficking, as shown by the official announcement that 900 offenders were to be executed in the coming months; he had stressed that concern in his final note to the Minister for Foreign Affairs. On the subject of due process, he had recommended that the right to defence counsel should be unequivocably declared and that the right to adequate time to prepare a defence in all criminal cases should be made the rule.

73. The Government communication he had received while the final report was being compiled, in response to the list of complaints appended to the interim report (A/44/620), indicated that the Government had begun to investigate complaints and transmit replies. The replies themselves were in Farsi and had not yet been translated. In the case of Mr. Amir Entezan, imprisoned at Evin, an official reply had been received at Geneva to the effect that investigation had shown him to be in good health and in need of no special medical treatment. And the two women who had not returned home after leaving to testify at UNDP offices were reportedly not recorded as held in any prison or detention centre.

74. The Iranian Government had transmitted information on the disciplining of judges for abuse of their office. With regard to information received about ill-treatment, torture and execution of prisoners, he hoped that the Government would investigate all cases communicated; during his visit, he had stressed the need for detailed replies.

75. The final report reflected the public and private concern expressed in the Islamic Republic of Iran about acts of terrorism, which, he felt, should be unequivocally condemned without exception. He had just received word of the most recent amnesty relating to persons convicted by public, military and revolutionary courts, ranging from immediate unconditional release to the commutation of life sentences to 15 years. But the amnesty excluded some groups, among them being drug traffic offenders, sexual offenders and Baha'is.

76. It had been impossible to examine at first hand many of the cases reported prior to his visit, which could not be extended because of the need to present the final report to the Commission. In any case, many weeks would

have been needed to hear all the persons who wished to relate their experiences. He thought that a further short visit should be made, if possible two or three months before the matter was to be considered by the General Assembly.

77. International surveillance of the situation of human rights in the Islamic Republic of Iran was a positive factor in the efforts to align Iranian theory and practice with the relevant international instruments; it was not yet time to discontinue it. He recommended that the Commission should include the topic on the agenda for its next session and submit a further interim report to the General Assembly. He was convinced that the Government of the Islamic Republic of Iran had a lot to do in order to conform fully to the provisions of international human rights instruments; in that regard, the recommendations to the General Assembly contained in his interim report (A/44/620) remained relevant and should be studied by the Commission.

78. Mr. VOYAME (Special Rapporteur on the human rights situation in Romania), introducing his report (E/CN.4/1990/28 and Add.1), said that, the Romanian authorities having refused his request for co-operation dated 15 June 1989, he had used all other available sources of information, including reports submitted by the Romanian authorities to United Nations bodies and specialized agencies, and had interviewed Romanian refugees, of all ethnic and social backgrounds, in Hungary, in an endeavour to carry out his mandate as objectively and as impartially as possible. The report cited, in paragraphs 216 to 232, numerous systematic violations of many human rights, from the right to life to cultural rights and the rights of minorities. He had proposed that the Commission should recommend to the Romanian authorities that the latter should bring all laws and regulations into line with the relevant international instruments to which Romania was a party, should publicize them and should ensure that those international instruments were strictly implemented in practice.

79. In view of the events that had taken place in Romania since the report's compilation, he had drafted an addendum (E/CN.4/1990/28/Add.1), to take account, as far as possible, of the situation to date. His request to the new Romanian authorities for assistance in that regard had been acceded to at once; he had been able to visit the country and speak to a number of high officials and members of the judiciary. He had had a free hand in speaking to leaders of the main political parties, representatives of non-governmental organizations and of the Hungarian minority, former dissidents and many others.

80. There had clearly been a welcome improvement, since December 1989, in the respect for human rights in Romania; legal and administrative provisions which had violated those rights had in general been repealed or amended. Human rights had not yet been altogether restored; there were cases of physical violence and death threats, and many people still feared the former Securitate (State police), which had been the previous régime's chief instrument of repression.

81. He had been officially assured that all violations of privacy, such as telephone tapping, had been abolished; but some of those interviewed had felt almost certain that their telephone calls were still being monitored. Although the administration of justice was being improved, the criminal procedure in general did not provide all the requisite safeguards such as the right to outside contacts, choice of lawyer and access to files.

82. Freedom of thought and belief was no longer restricted, save the normal exceptions relating to public order (ordre public), health or morals. The press had been freed, although publishing was still adversely affected by lack of skills and materials; but bias in television broadcasting was still being alleged. The rights of assembly and participation in public affairs were safeguarded, although some parties found it hard to arrange venues or raise funds. Trade-union rights had been restored, and educational programmes were being revised. Cultural censorship had been abolished.

83. The problems facing ethnic minorities persisted, although an ethnic Hungarian had been appointed Vice-President of the Provisional Council of National Unity, in which 27 seats were reserved for representatives of minorities; the main outstanding problem was the choice of language in the schools.

84. Despite the considerable improvement, a climate of suspicion, or even fear, persisted. It would take time to restore trust among a population which would have to learn anew about human rights, and to reassert the respect for human rights which had been flouted for decades; for that very reason, vigilance must be maintained. He suggested that the Commission should take note of the considerable improvement in respect for human rights that had taken place in Romania and recommend to the Romanian authorities that they should continue their action to ensure that human rights in all their aspects were respected in their country, should pay particular attention to the points raised in the current report and should consider the possibility of using the Voluntary Fund for Advisory Services.

85. Mr. ROA KOURI (Cuba) said that every year the United States Department of State submitted to Congress a report on the human rights situation in the entire world, with the strange exception of the United States itself which, presumably, was the epitome of justice, equity and goodness. The paper characterized the countries, according to whether they were allies of the United States or not, with the most terrible epithets or most neutral adjectives.

86. While it set itself up as the judge of human rights matters, the United States avoided the obligation of accepting international commitments in that field or of respecting universally recognized standards. That attitude reflected the general principles of United States foreign policy as well as its ideological bases, including its egocentrism, its arrogance towards other peoples (especially those of the third world), and its conviction that whatever was American was the best and unquestionable.

87. United States international human rights policy was guided by the following principles: lack of understanding of the broad significance of human rights, based on the interrelationship and indivisibility of civil, political, economic, social and cultural rights; acceptance of a minimum of commitments in that field; appearance as a champion of human rights, arrogating to itself the power to preach sermons to others, while avoiding any discussion of violations committed in the United States itself; using the question of human rights for narrow political and confrontational purposes, in accordance with the objectives of its global policy; and avoiding any denunciation of violations by allied tyrannical régimes.

88. At the domestic level, however, the human rights situation, particularly with regard to minorities, had worsened dramatically since the assumption of the Presidency by Mr. Reagan, as a consequence of the prevalent reactionary, racist and anti-labour ideas.

89. According to a report entitled Civil Liberties in Reagan's America the people of the United States had, for the first time, had an administration which was apparently strongly opposed to the key political and legal principles that formed the basis of their constitutional system and which wished to free the police and the intelligence services from the legal constraints that defended citizens from the abuse of power.

90. The offensive of conservative forces, grouped around Mr. Reagan and the Republican Party, against the civil, political, social and economic freedoms of United States citizens, had covered the following main areas: expansion of the prerogatives of the FBI, the CIA, the judges and the police so as to increase the surveillance of the population; renewed repression of participants in social protest demonstrations particularly the anti-militarist movement; restriction of various rights such as the freedom to travel abroad, freedom of expression, and freedom of assembly, on the pretext of defending national security; creation of an atmosphere favourable to large corporations and against trade union activities; and undermining of the laws on civil liberties and the social progress made by minorities and by the entire population in the socio-economic area.

91. In that connection, he gave some examples of persons who had suffered under the expanded powers given to the FBI and the CIA with regard to the surveillance of social organizations and individuals, thus beginning a new period of persecution of dissidents, who were called common offenders or "terrorists". The trial and sentencing of such persons were intended to frighten the peace movement and to compromise its members, who were opposed to the policy of marginalization and extermination of the indigenous inhabitants of North America.

92. Ninety per cent of the indigenous population, who currently numbered some 800,000 surviving persons suffered from acute unemployment. The indigenous population had a high infant mortality rate and a suicide rate double the national average. The authorities surreptitiously practised sterilization of the indigenous inhabitants (42 per cent of Indian women and 10 per cent of men) with the premeditated objective of reducing their numbers still further.

93. Members were well aware of the systematic persecution by the Republican administrations of the members of the Santuario movement, consisting of religious and humanitarian organizations which sought to help Central American refugees fleeing repression and conflict in their countries. Some of its main leaders had been tried on charges of conspiracy and of illegally transporting persons without documents and had been given prison sentences.

94. Ever-increasing police brutality was another result of the dissemination of reactionary and racist ideas by the new United States right. The beating and killing of young blacks at Howard Beach in New York, which his delegation had denounced before the Commission in 1987, and the horrible killing of members of a religious sect in Philadelphia in May 1985 were part of a long history of racist violence.

95. As a result of the reactionary policy of the Republican Governments, the average per capita income of blacks between 1981 and 1985 had been 57.2 per cent of that of whites, more than 34 per cent of blacks lived below the official poverty line, and 17 per cent had been unemployed, as compared with 7.1 per cent of whites. It was no accident that, according to the statistics of the Department of Justice, the number of racially motivated crimes had increased by 400 per cent in a single year.

96. The Ku Klux Klan continued to promote anti-black crusades in the southern United States, and other groups were compaigning against citizens of Arab or Jewish origin. Citizens of Asian origin did not escape rampant racism: the so-called White Aryan Resistance, a group of ultra-right fanatics, was spreading anti-Asian hatred in California. All those developments represented violations of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights.

97. There were currently nearly 3 million homeless and 24 million persons living in slums or housing below the minimum level of decency in the richest and most powerful imperialist country of all times.

98. According to data from the Center for Budget and Policy Priorities, family incomes of the poor had declined by an average of $326 while the incomes of the super-rich families, or 10 per cent of the families in the country, had risen by an average of $7,130. Senator Edward Kennedy had stated that 37 million Americans, including 11 million children, lacked basic medical care.

99. The United States violated not only the rights of its own citizens, but also those of many other people. Cuba had been harassed and subjected to an economic blockade for 30 years. The Nicaraguan people had had to wage a war which had left thousands of dead, wounded and injured. The Panamanians had been the victims of massacres and aerial bombardment.

100. Those facts were known to all the members of the Commission, but only a few dared to denounce them. They were known to the representatives of Sweden and Canada who had expressed concern at alleged reprisals taken by the Cuban Government, according to United States propaganda, against persons who had, in 1988, met with the mission from the Commission on Human Rights that had visited Cuba.

101. His delegation was concerned at the continuing deterioration of the human rights situation in El Salvador, where there had been an increase in summary executions, and repressive actions against trade union and humanitarian organizations by paramilitary groups and the army. The assassination of six priests at the end of 1989 and the recent killing of the opposition leaders Hector Oquelí and Hilda Flores as well as the aggression committed by the army against Farabundo Martí National Liberation Front (FMLN) hospitals, indicated a savage increase in repression in that country and justified the request that the mandate of the Special Rapporteur be renewed. His delegation supported the FMLN's view that a peaceful solution to the conflict had to be found through direct dialogue with the Government.

102. With regard to the situation in Guatemala, where a climate of social violence prevailed, his Government agreed with the views expressed by the Expert and the provisions of the relevant Sub-Commission resolution which urged the Government to take energetic measures to ensure respect for fundamental human rights and freedoms.

103. After nearly 17 years of tyranny imposed on the Chilean people by General Pinochet with the active support of the United States, Chile was about to resume its constitutional life with the installation of the Government of President Aylwin. His Government and people wished the new Government every success in the achievement of its declared democratic objectives, but feared that the constitutional reforms and the presence of Pinochet as the head of armed forces over the next eight years would constitute a permanent threat to Chile's constitutional régime.

104. Mr. DELGADO BARRETO (Peru) said that he wished to describe the situation of human rights in Peru a nation which, in addition to the economic and social challenges facing every developing country, was fighting against terrorism and the drug traffic. All political and civil liberties were fully in force in Peru's democratic representative system, but it was being attacked by terrorist groups that sought to destroy it by violent means.

105. According to the terrorist group "Sendero Luminoso", the centre of what it called "world revolution against imperialism" had shifted from Kampuchea to the Peruvian Andes where it would spread the revolution like a shining light to the entire world. That delirious and ideologically simplistic vision of the world was reflected in almost paranoid actions such as assassinations and attacks on European technical assistance experts, Soviet sailors, United States and British journalists, and the bombing of the embassies of the United States, the Soviet Union, China and India, as well as airline offices.

106. Another terrorist group called the Tupac Amaru Revolutionary Movement, which carried out violent acts against the democratic system with a view to destroying it, operated mainly in urban areas, perpetrating assassinations and kidnappings.

107. The totalitarian aspect of the terrorism in question was reflected in its utter disregard for the will of the people and its open fear of the electoral process. When municipal elections had been held in Peru in November 1989, the terrorists had launched violent attacks, killing candidates, threatening voters and creating a climate designed to frustrate the process. The people's courageous response had been to turn out and vote on a massive scale, thereby rejecting the terrorists' proposals. The same will and democratic courage of the people of Peru would undoubtedly be manifested once again during the presidential and parliamentary elections in April 1990.

108. It must be emphasized that any approach to the violence in Peru should begin with a clear understanding of the existence of serious social injustices which were inherent in developing societies. In any analysis of the human rights situation in the countries of the third world, account must always be taken of the extreme poverty existing there. However, that situation was used as a pretext and justification for the activities of radical extremist groups and, by the end of 1989, more than 17,000 persons had died as a result of terrorism.

109. Terrorist movements in Peru protected the cocaine processors and received in exchange weapons and money from drug traffickers. That alliance had converted the Upper Huallaga Valley, the country's richest agricultural area, into the world's largest coca plantation, and that constituted a threat not only to Peruvian society but to the entire international community also.

110. It was essential to bear in mind that the tragic circle of violence in Peru had as its main perpetrators the terrorist groups Sendero Luminoso and the Tupac Amaru Revolutionary Movement. It was therefore unrealistic to refer solely to other sources of violence, as had been done in the Commission.

111. In the exercise of its obligations and through the Chamber of Deputies, however, his country's Legislature had set up a commission to carry out an investigation into the murder of two deputies and into the activities of Comando Rodrigo Franco, another terrorist group which was seeking to meet subversive violence with another form of violence.

112. A representative democratic Government that was attacked had the right and the obligation to defend itself with the means provided by law. In Peru, use was made of legal means to defend the democracy which had been established at such great cost. The responsibility of maintaining a system in which respect for the human person was the central premise was the basic concern of the people and Government of Peru.

113. In that connection, he stressed that his Government did not deny that, in some cases, the fight against terrorism had involved abuses by the forces of order. However, that was not government policy and it did not apply repressive doctrines such as that of "national security". It was the first to deplore any excesses and it made every possible effort to maintain respect for human rights.

114. However the climate of violence created by terrorist and armed groups hampered the administration of justice and the investigation of cases owing to lack of co-operation by frightened citizens, the intimidation of judges, the remoteness of the areas in which the events occurred, and the lack of human and economic resources.

115. The determination of his Government to contribute to ensuring respect for human rights was also reflected in its signature of the Geneva Protocols of 1977, the facilities made available to representatives of the International Committee of the Red Cross working in emergency areas and detention centres, the visits to Peru by representatives of the Working Group on Enforced or Involuntary Disappearances, and the Special Rapporteur on questions relevant to torture, and the forthcoming visit by the Special Rapporteur on summary executions.

116. His Government considered that a just and realistic approach to human rights situations should necessarily cover all the forces involved. It was not a question of diminishing the international responsibility of States but rather of pointing out the difficulties they faced in meeting their international commitments with regard to human rights.

117. In that connection, the delegations of Peru, Colombia and the Philippines intended to submit to the Commission a draft resolution designed to analyse the effects on the enjoyment of human rights of acts of violence carried out

by armed groups and drug traffickers against legitimately established Governments. Such a draft resolution would make it possible to obtain a more accurate picture of the real stuation of representative democratic régimes which had to tackle simultaneously the challenges of development, and the activities of terrorists and drug traffickers.

118. In reiterating his Government's firm commitment to the defence of human rights, he appealed to the developed democracies to help solve the socio-economic problems of countries like Peru, since that would be the best guarantee of their own interests in an increasingly interdependent world. In that connection, he was particularly grateful to the spokesman for the European Economic Community who had clearly expressed the Community's awareness of the major efforts required to maintain a democratic system in the midst of adverse economic and social circumstances.

The meeting rose at 1.05 p.m.